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September 7, 2023

Hon. Jennifer L. Rochon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
Courtroom: 20B
New York, NY 10007-1312

Re: Best Payphones, Inc., et al. v. Verizon New York, INC., et al. Case No: 23-civ-04935 (JLR)

Dear Judge Rochon:

I am the attorney for the plaintiffs in the above referenced action. I am writing to request an adjournment of the scheduling conference currently scheduled for September 20, 2023 to mid December. There are multiple reasons for this request. I have been in communication with counsel for the two defendants in the case. Both counsel have agreed to waive service of the summons. They both consent to the requested adjournment because they each would prefer that the scheduling conference not take place until after they file their answers or responses to the complaint which would not be until the end of October or beginning of November.

I am requesting such a lengthy delay because I am currently dealing with a medical condition that will not permit me to appear at, or be prepared for, the scheduling conference. I am currently undergoing chemotherapy to address bladder cancer. Once the course of treatment for chemotherapy is concluded in mid October, I will have to undergo major surgery with respect to the bladder. I also have another issue which will necessitate a second surgery once I recover from the surgery for the bladder. It will take about four weeks after the bladder surgery before I can have the second surgery, which would be about mid November. It is estimated that it will take me 2 to 3 weeks to recover from the second surgery which is why I am requesting a date in mid December for the scheduling conference.

If the court needs to communicate with me, the best telephone number at which to reach

me is the Pennsylvania number above. Thank you in advance for your consideration of this application.

Very truly yours,


/s Richard D. Gaines
Richard D. Gaines

cc: Scott H. Angstreich, Esq. via email only sangstreich@kellogghansen.com
Peter Jakab, Esq. via email only pjakab@earthlink.net

The request is GRANTED. The
Initial Pre-Trial Conference is
adjourned from September 20, 2023
to **December 12, 2023 at 10:30AM.**

Dated: September 8, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge